

App. No. 09/930,659  
Amendment Dated March 20, 2006  
Reply to Office Action of December 21, 2005

### **REMARKS/ARGUMENTS**

Independent claims 1, 21, 29 and 34 have been amended as set forth above to further clarify the elements of the claims. Applicants assert that the clarification puts the claims in condition for allowance. No new matter has been added.

#### **I. State of the Prosecution**

Applicants' attorney, Ryan Grace, and Examiner Patel held an interview on November 29, 2005. During the interview, Mr. Grace discussed the current structure of the claims, the teaching in the specification, and the teaching of the prior art. The claims were amended as set forth in the December 12, 2005 Preliminary Amendment to clarify several elements of the claims. Many of the changes were not meant for further limiting the scope of the claims but to present the claims in a more readable manner.

The Preliminary Amendment was entered. The arguments set forth therein were rendered moot in view of new grounds of rejection set forth in the December 21, 2005 Office Action. This submission is in response thereto. If the Examiner does not find an indication of allowable subject matter, applicants respectfully request another Interview.

#### **II. Rejection Under 35 U.S.C. §102(e)**

Claims 1-37 are rejected under 35 U.S.C. §102(e) as being anticipated by SyncML Representation Protocol, version 1.0.1, (hereinafter "SyncML"). Applicants respectfully disagree with the rejection. When the claims are read in their entirety, each claim contains

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elements not taught or otherwise suggested by SyncML. Claim 1 includes the following

elements not taught or otherwise suggested by SyncML:

*"a synchronization message including message portions for grouping synchronization request activities and synchronization response activities in a single message, wherein the synchronization request activities include commands to update data and the synchronization response activities include responses to previous commands to update data, wherein the message portions include:"*

Claim 21 includes the following elements not taught or otherwise suggested by SyncML:

*"a server configured to receive a synchronization message from the mobile device, wherein the synchronization message includes portions for grouping synchronization request activities and synchronization response activities in a single synchronization message, wherein the synchronization request activities include commands to update data and the synchronization response activities include responses to previous commands to update data, wherein the portions include:"*

Claim 29 includes the following elements not taught or otherwise suggested by SyncML:

*"formatting a synchronization message having message portions for grouping synchronization request activities and synchronization response activities in a single message, wherein the synchronization request activities include commands to update data and the synchronization response activities include responses to previous commands to update data, wherein the message portions include:"*

Claim 34 includes the following elements not taught or otherwise suggested by SyncML:

*"receiving an update synchronization message having message portions for grouping synchronization request activities and synchronization response activities in a single message, wherein the synchronization request activities include first commands to update data and the synchronization response activities include responses to previous commands to update data, wherein the message portions include:"*

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*"sending a response synchronization message having message portions for grouping synchronization request activities and synchronization response activities in a single message, wherein the synchronization request activities include second commands to update data and the synchronization response*

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*activities include responses to the first commands to update data, wherein the message portions include:*"

As discussed during the November 29, 2005 interview, one problem associated with the prior art includes sending and receiving multiple transmissions and receipt notifications during synchronizations. The specification points out this problem as follows:

"With wireless networks, the risk that a connection will be lost is several times greater than with non-wireless systems. Some synchronization techniques address potential interruption by sending acknowledgments at certain points while a message is received. Sending multiple acknowledgments, however, exacerbates other problems in cellular networks. Typically, cellular networks have high latency. Each transmission is subject to this latency. Thus, using acknowledgments may increase the total synchronization time which gives rise to a greater potential for interruption by, for example, an unreliable network.

Additionally, cellular networks often have relatively low bandwidth. Synchronizing a relatively small number of objects between a PC and a mobile device over a cellular network may require several minutes; synchronizing many objects may require hours. This problem is typically not faced by devices directly connected or connected through a local area network." *Specification*, at page 1, line 28 - page 2, line 11.

Also discussed during the November 29, 2005 interview, the elements of claims include elements not taught or otherwise suggested by the cited reference. Not meant for limiting the claims in any manner, as one example from the specification, the specification recites as follows:

"The present invention provides a system and method for synchronizing devices that may be connected by high latency, low bandwidth, and/or unreliable networks. A protocol is provided which avoids the latencies of multiple acknowledgments by placing responses to a number of synchronization activities in a single message. Requests and responses to previous requests may be grouped together in one message. Selected objects may be synched without requiring that all objects be synched. A window size may be set to limit the number of objects synched during a single transaction. The protocol is designed to allow either the server or the mobile device to begin the synchronization.

In one aspect of the invention, the protocol groups responses for requests to update objects. Grouping the responses together avoids some of the latency of responding to each update request.

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In another aspect of the invention, the protocol allows responses to updates to be grouped together and sent with grouped requests to update objects. Thus, instead of multiple messages being sent during synchronization, one message can both report errors and send, request, and respond to updates. This reduces latency in synchronization and generally reduces bandwidth required." *Specification*, at page 2, line 15 - page 3, line 2.

With regard to SyncML, SyncML teaches directly away from the above elements.

SyncML teaches multiple request and response messages for synchronization. The assertion that

SyncML teaches away from the elements of the present invention is evidenced by the

Terminology Section. SyncML teaches as follows:

**Message**

A SyncML Message is the primary contents of a SyncML Package. *It contains the SyncML Commands*, as well as the related synchronization data and meta-information. The SyncML Message is an XML document.

**Package**

A SyncML Package is the complete set of *data synchronization commands* and related data elements that are transferred between an originator and a recipient. The SyncML package can consist of one or more SyncML Messages.

**Command**

A SyncML Command is a data synchronization primitive. Each SyncML Command *specifies to a recipient an individual operation that is to be performed. For example, the SyncML Commands supported by this specification include Add, Alert, Atomic, Copy, Delete, Exec, Get, Map, Replace, Search, Sequence and Sync.*

**Synchronization Data**

Refers to the data elements *within a SyncML Command*. In a general reference, can also refer to the sum of the data elements within a SyncML Message or SyncML Package.

Here, the message is defined as having SyncML commands. Applicants can find no teaching of "grouping synchronization request activities and synchronization response activities in a single message, wherein the synchronization request activities include commands to update

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data and the synchronization response activities include responses to previous commands to update data." The Terminology Section continues by further pointing out separate messages. This is further highlighted by the following:

**Recipient**

The network device that receives a SyncML request, processes the request and sends any resultant SyncML response.

**SyncML request message**

An *initial SyncML Message* that is sent by an originator to a recipient network device.

**SyncML response message**

A *reply SyncML Message* that is sent by a recipient of a SyncML Request back to the originator of the SyncML Request.

These definitions highlight the fact that SyncML teaches separate messages.

Furthermore, the portion sighted by the Office Action does not remedy the lack of teaching.

SyncML recites:

The SyncML representation protocol supports data synchronization models that are based on a *request/response command structure*, as well as those that are based on a "blind push" command structure. *SyncML*, at pg. 8

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The SyncML representation protocol embodies the concept of a SyncML Package. The SyncML Package performs some set of data synchronization operations. This conceptual data synchronization "package" permits either a "batch" of multiple data synchronization operations put together in a single SyncML Message or conveyed as separate SyncML Messages, each containing a single data synchronization operation. SyncML Messages are the body of the MIME entities. *SyncML*, at pg. 8

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The SyncML Commands themselves do not fully define the semantics of the SyncML Operation. For example, "adding" a document to an application to a database may have very different semantics from "adding" a transaction request to a queue. The semantics of a SyncML operation are determined by the type of data that is being synchronized. This means that it is possible for an originator to request an operation of a particular recipient that makes no sense to the recipient.

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In that case, *the recipient must return an error response status code. SyncML*, at pg. 35

Here, SyncML is teaching the general model. SyncML is based on a request/response command structure. This is a general statement. This general statement does not indicate the single message structure or the data in a single message. In fact, none of the cited portions of SyncML teach "grouping synchronization request activities and synchronization response activities in a single message, wherein the synchronization request activities include commands to update data and the synchronization response activities include responses to previous commands to update data." Accordingly, applicants believe that independent claims 1, 21, 29, and 34 are allowable.

The elements of claims 2-20, 22-28, 30-33 and 35-37 are not taught or otherwise suggested by the cited reference. Moreover, claims 2-20, 22-28, 30-33 and 35-37 ultimately depend from claims 1, 21, 29, and 34, respectively. Claims 1, 21, 29, and 34 are allowable for the previously stated reasons. Accordingly, applicants assert that claims 2-20, 22-28, 30-33 and 35-37 are allowable for at least those same reasons.

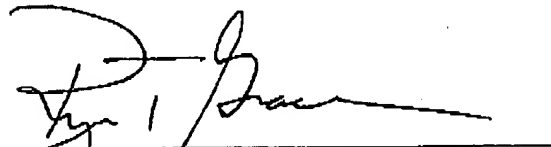
### **III. Request for Reconsideration**

In view of the foregoing amendments and remarks, all pending claims are believed to be allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the applicants at the telephone number provided below.

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Respectfully submitted,

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